

S.R. 225 - By Senator Snelson: Memorial resolution for Dr. Adolph C. Streng.

RESOLUTIONS

H.C.R. 56 - Congratulating Mark Roberts on his selection as the 1973 Texas State Easter Seal Child.

S.R. 221 - By Senator Meier: Extending congratulations to Richard P. Dale.

S.R. 226 - By Senator Wallace: Extending best wishes for swift recovery to Jeremy Wimberly.

ADJOURNMENT

On motion of Senator Aikin the Senate at 12:43 o'clock p.m. adjourned until 11:00 o'clock a.m. Monday, March 5, 1973.

APPENDIX

Sent to Governor

March 1, 1973

S.B. 112

S.B. 145

THIRTIETH DAY (Monday, March 5, 1973)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Clower, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Sherman.

The Reverend Dr. Joe Trull of Crestview Baptist Church, Austin, Texas, offered the invocation as follows:

Our Father, on this busy day of many difficult decisions give us the long view of our work and our world.

Help us to see that it is better to fail in a cause that will ultimately succeed than to succeed in a cause that will ultimately fail.

May Thy will be done in our nation and in our state government, for the good of all mankind. Through Jesus Christ our Lord. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the

Journal of the proceedings of Thursday, March 1, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Sherman was granted leave of absence for today on account of important business on motion of Senator Snelson.

MESSAGE FROM THE HOUSE

Hall of the House of Representatives
Austin, Texas, March 5, 1973

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 11, Creating A Joint Constitutional Convention Planning Committee.

H.C.R. 28, Honoring Nicholas Copernicus.

H.C.R. 30, Recognizing and congratulating James D. (Jim) Pratt.

H.B. 162, A bill to be entitled An Act to authorize and require certain cities to recognize association chosen by a majority of the fire fighters employed by any such city as their representative for the purpose of mutual consultation on the subjects of wages, hours and other conditions of employment of such fire fighters; to authorize and require any such city to engage in mutual consultation with such representative on the subjects of wages, hours and other conditions of employment; to provide procedures for the commencement and standards for the conduct of consultations; to authorize and require such city and such representative of fire fighters to reduce to signed, written contract any agreement which may be reached on such subjects; to provide for and require arbitration as the appropriate procedure to resolve any impasse which may be reached during mutual consultation; to provide procedures for commencement and standards for the conduct of arbitration; to require compliance with contracts and awards in arbitration under the Act; to prohibit strikes of such fire fighters; to provide for judicial enforcement of the Act; to make related provisions designed to effectuate the purposes of the Act; to provide for a declaration of policy, liberal construction, definitions of certain terms, severability, precedence over contrary clauses; and declaring an emergency.

Respectfully submitted,
DOROTHY HALLMAN
Chief Clerk, House of Representatives

REPORTS OF STANDING COMMITTEE

Senator Creighton submitted the following reports for the Committee on Economic Development:

S.B. 229
S.B. 263
S.B. 160 (Amended)

SENATE RESOLUTION 235

Senator Hightower offered the following resolution:

WHEREAS, It is an extreme pleasure for the Senate of the State of Texas to honor the children of its Members; and

WHEREAS, It is a privilege to nominate Don Adams, Jr., age 3, and Debra Adams, age 6 months, as official Mascots of the Senate. These delightful children claim as their parents, our distinguished colleague, Senator Don Adams of Jasper, Jasper County, Texas, and his lovely wife, Linda; now, therefore, be it

RESOLVED, That Debra and Don Adams, Jr. be named as Mascots of the Senate of the State of Texas; and be it further

RESOLVED, That a photograph of each of these children be included in the picture panel of the Senate of the 63rd Legislature, and that copies of this Resolution be prepared for them and for their parents as a memento of this occasion.

HIGHTOWER
JONES

The resolution was read and was adopted.

Senator Hightower then presented Don Adams, Jr. and Debra Adams as guests of the Senate today.

SENATE RESOLUTION 236

Senator Moore offered the following resolution:

WHEREAS, On March 22 and 23, 1973, the All-American Wildcatters will hold their annual meeting in San Francisco, California, and will honor the ten new members who have been selected from the entire United States; one of our distinguished colleagues, Senator Peyton McKnight, has been chosen for this high honor; and

WHEREAS, Selection as an All-American Wildcatter is one of the most coveted honors in the petroleum industry; the recipient must be one who contributes to and causes wildcat wells to be drilled, or he must have made a significant contribution to the wildcatting profession; he must be of good character, be generally respected by his peers, and above all, he must be of that special breed of man whose word is his bond; he must contribute to America's Free Enterprise System; and must be devoted to the search for oil and gas beyond that of the average oil and gas finder; and

WHEREAS, The elite group of men known as wildcatters has refuted, since the early days of the oil industry, those prophets of doom who have predicted during each decade that America is running out of oil; through the courage and creativity of these wildcatters, new oil and gas reserves have continued to be located and developed throughout the United States; and

WHEREAS, Senator Peyton McKnight is well-known as a successful independent oil operator; he has extensive oil and gas holdings in Texas, Arkansas, Louisiana, Mississippi and Wyoming; and

WHEREAS, Aside from his active involvement in the oil industry, he has devoted much of his time to serving his community, his state and his fellow man; he is a member of the Texas A and M University Board of Directors and the Board of Directors of the Southside State Bank; he is a member of the Vestry of Christ Episcopal Church and is a licensed lay reader; he serves on the Board of the Willowbrook Country Club; he is past president of the Sons of the American Revolution, the Tyler Petroleum Club, the American Legion and the Board of the East Texas Hospital Foundation; he has served on the Sabine River Authority, and is a member of the Board of Trustees of Scott and White

Memorial Hospital; in 1953, he was appointed by President Dwight Eisenhower as the youngest United State Marshal in history; and

WHEREAS, Senator Peyton McKnight has returned to the Texas Legislature to serve his first term in the Senate after an absence of 21 years; he was a member of the House of Representatives from 1949 to 1951; as a freshman Senator, he has been delegated the responsibility of serving as vice-chairman of the Natural Resources Committee, and a member of the Jurisprudence and State Affairs Committees; now, therefore, be it

RESOLVED, That the Senate of the 63rd Legislature of Texas extend our heartiest congratulations to Senator Peyton McKnight for being elected to the organization of All-American Wildcatters; and express our sincere pride in him as a highly respected leader in the oil industry.

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added as signers therof.

On motion of Senator Moore the resolution was adopted.

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

By Senator Mengden:

S.B. 428, A bill to be entitled An Act relating to the gathering of information about the national origins or the ethnic, racial, or religious makeup of the personnel of a governmental agency or political subdivision; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Mengden:

S.B. 429, A bill to be entitled An Act relating to the emission of exhausts from two-cycle motorboat engines; providing a penalty; amending the Water Safety Act, as amended (Article 1722a, Vernon's Texas Penal Code), by adding Subsection (n) to Section 8 and Subsection (f) to Section 24; and declaring an emergency.

To Committee on Natural Resources.

By Senator Mengden:

S.B. 430, A bill to be entitled An Act requiring the board of trustees of a school district to publish notice of the probable effect the failure of electors to approve bond and school tax measures will have on school functions and programs; amending Subsection (e), Section 20.04, Texas Education Code; and declaring an emergency.

To Committee on Education.

By Senator Mengden:

S.B. 431, A bill to be entitled An Act relating to regulation of the sale of certain subdivided land; providing a penalty; and declaring an emergency.

To Committee on Economic Development.

By Senator Creighton:

S.B. 432, A bill to be entitled An Act relating to exempting building construction projects of the Parks and Wildlife Department from certain provisions of the State Building Construction Administration Act; amending Section 3, Chapter 455, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 678f, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Traeger, Ogg and Jones:

S.B. 433, A bill to be entitled An Act relating to the penalty for failing to file certain reports with the Texas Water Rights Commission; amending Section 50.106, Water Code; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Traeger, Ogg and Jones:

S.B. 434, A bill to be entitled An Act relating to the supervisory authority of the Texas Water Rights Commission over certain water districts; amending Section 6.074, Water Code; and declaring an emergency.

To Committee on Natural Resources.

By Senators Traeger, Ogg and Jones:

S.B. 435, A bill to be entitled An Act relating to the audit of certain special districts; amending Chapter 293, Acts of the 48th Legislature, 1943, as amended (Article 4413a-1, et seq., Vernon's Texas Civil Statutes), by adding Section 7c; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Traeger, Ogg and Jones:

S.B. 436, A bill to be entitled An Act relating to the definition of the term "district"; amending Subdivision (1), Section 50.001, Water Code; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Traeger and Jones:

S.B. 437, A bill to be entitled An Act relating to furnishing copies of petitions to create certain special districts; amending Chapter 50, Water Code, by adding Subchapter J; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Jones, Ogg and Traeger:

S.B. 438, A bill to be entitled An Act relating to disqualification of tax assessors and collectors of certain special districts; adding Sections 50.023, 51.0851, 53.0721, and 54.1231 to the Water Code; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Jones, Ogg and Traeger:

S.B. 439, A bill to be entitled An Act relating to the time of election of governing board members of certain special districts; amending Sections 53.086 and 54.103, Water Code, and adding Sections 50.024 and 51.0731, to the Water Code; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Jones, Ogg and Traeger:

S.B. 440, A bill to be entitled An Act relating to the notice required on sale or conveyance of real property located within certain special districts; amending Chapter 50, Water Code, by adding Subchapter I, Chapter 51, Water Code, by adding Section 51.1921, Chapter 53, Water Code, by adding Section 53.152, and Chapter 54, Water Code, by adding Section 54.234; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senators Jones, Ogg and Traeger:

S.B. 441, A bill to be entitled An Act amending Chapter 224, Acts of the 56th Legislature, Regular Session, 1959, as amended by Chapter 1032 Acts of the 62nd Legislature, Regular Session, 1971 (Article 1109j, Vernon's Texas

Civil Statutes) relating to contracts for acquisition of water supply and treatment systems, water distribution systems, sanitary sewer and collection treatment systems and drainage systems by cities and towns; providing a severability clause; and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Mauzy:

S.B. 442, A bill to be entitled An Act stating legislative purpose; defining terms; providing certain limitations on the use of convict labor; providing injunctive relief; repealing all laws in conflict; providing for severability; and declaring an emergency.

To Committee on State Affairs.

By Senator Gammage:

S.B. 443, A bill to be entitled An Act relating to the expunction of records of arrests and of criminal charges if no conviction occurs; amending the Code of Criminal Procedure, 1965, by adding Chapter 55; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Blanchard:

S.B. 444, A bill to be entitled An Act repealing Section 55 of Article I of the Texas Liquor Control Act, as amended (Article 666-55, Vernon's Texas Penal Code); amending Section 32 of Article I of the Texas Liquor Control Act, as amended (Article 666-32, Vernon's Texas Penal Code) to conform to enactment of four-year term for Governor; amending Section 33 of Article II of the Texas Liquor Control Act, as amended (Article 667-33) changing the due date for taxes on ale or malt liquor imported or brewed in this state; amending Section 16 of Article I of the Texas Liquor Control Act, as amended (Article 666-16, Vernon's Texas Penal Code) to exempt holders of local cartage and agents permits from the requirement of obtaining a bond; creating a Wine and Beer Retailer's Off-Premise Permit and defining the powers under such permit; allowing the issuance of a Wholesaler's Permit, General Class B Wholesaler's Permit, Local Class B Wholesaler's Permit and General, Local or Branch Distributor's License in any area wherein the sale of any alcoholic beverage is legal; providing for severability and declaring an emergency.

To Committee on State Affairs.

By Senator Wolff:

S.B. 445, A bill to be entitled An Act adapting and incorporating certain provisions of the Uniform Alcoholism and Intoxication Treatment Act into the Texas law relating to the Texas Commission on Alcoholism, amending Sections 3 and 5, Chapter 411, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 5561c, Vernon's Texas Civil Statutes), and adding Sections 1A, 16A, 17A, 17B, and 17C; repealing Article 477, Penal Code of Texas, 1925, and other laws in conflict with the provisions of the Act; and declaring an emergency.

To Committee on Jurisprudence.

By Senators McKnight, Adams and Clower:

S.B. 446, A bill to be entitled An Act relating to the acquisition, ownership, operation, and financing of certain facilities of, and the performance of certain services and functions by, the North Texas Municipal Water District and providing for certain powers and duties of the district and political subdivisions with relation to these facilities, services and functions; amending Chapter 62, Acts of the 52nd Legislature, 1951, as amended (Article 8280-141, Vernon's Texas Civil Statutes); and declaring an emergency.

To Committee on Intergovernmental Relations.

By Senator Hightower:

S.B. 447, A bill to be entitled An Act providing for the creation of the Fisher County Hospital District over all of Fisher County, Texas; providing that the district shall assume any outstanding debt of Fisher County incurred for hospital purposes and any outstanding debt incurred by any city or town within said county for such purpose; prescribing a procedure for an election on the creation of such district and the levy of a tax for its maintenance, support, and payment of indebtedness; providing the powers of the district and its governing body and its procedures in the governing of said district; enacting other provisions incident and related to the subject and purpose; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 448, A bill to be entitled An Act relating to the creation, establishment administration, maintenance, operation, and financing of the Hamlin Hospital District of Fisher County and Jones County, Texas, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 449, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Anson Hospital District of Jones County, Texas, under Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 450, A bill to be entitled An Act relating to the expansion of the Stamford Hospital District; providing an alternate method for the assessment, equalization, and collection of taxes; amending Chapter 108, Acts of the 59th Legislature, Regular Session, 1965; and declaring an emergency.

To Committee on State Affairs.

By Senator Hightower:

S.B. 451, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Hamlin Hospital District, the Anson Hospital District, and the Stamford Hospital District under Article IX, Section 9, of the Texas Constitution; and declaring an emergency.

To Committee on State Affairs.

By Senator Adams:

S.B. 452, A bill to be entitled An Act relating to experience requirements for salary increments under the Texas State Public Education Compensation Plan; amending Subchapter D, Chapter 16, Texas Education Code, by adding Section 16.317, and declaring an emergency.

To Committee on Education.

By Senator Braecklein:

S.B. 453, A bill to be entitled An Act relating to the powers, duties and functions of certain state agencies and subdivisions; establishing a state policy on the environment; creating the Office of Environmental Quality; requiring the governor to submit a report on the environment to the legislature; authorizing certain court actions; and declaring an emergency.

To Committee on Human Resources.

By Senator Braecklein:

S.B. 454, A bill to be entitled An Act relating to the right of a consumer to rescind a home solicitation transaction; providing penalties; and declaring an emergency.

To Committee on Human Resources.

By Senator Jones:

S.B. 455, A bill to be entitled An Act relating to certain specified money penalties which may be assessed by the State Board of Insurance; amending Article 1.04, Insurance Code, as amended, by adding Subsection (e); and declaring an emergency.

To Committee on Economic Development.

By Senator Jones:

S.B. 456, A bill to be entitled An Act relating to workmen's compensation law; amending Article 8306, Revised Civil Statutes of Texas, 1925, as amended, by adding Sections 1a and 1b; amending Sections 2, 3, 7, 7a, 7b, 7c, 7d, 8, 10, 11, 12 and 15, Article 8306, Revised Civil Statutes of Texas, 1925, as amended; amending Article 8309, Revised Civil Statutes of Texas, 1925, as amended, by amending Sections 1 and 2, Article 8309, Revised Civil Statutes of Texas, 1925, as amended; repealing Chapter 229, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 8309b, Vernon's Texas Civil Statutes); Chapter 428, Acts of the 51st Legislature, Regular Session, 1949, as amended (Article 8309c, Vernon's Texas Civil Statutes); Chapter 310, Acts of the 52nd Legislature, Regular Session, 1951, as amended (Article 8309d, Vernon's Texas Civil Statutes); Chapter 493, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 8309e-1, Vernon's Texas Civil Statutes); Chapter 22, Acts of the 61st Legislature, 2nd Called Session 1969 (Article 8309e-2, Vernon's Texas Civil Statutes); Chapter 252, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 8309f, Vernon's Texas Civil Statutes); Chapter 716, Acts of the 60th Legislature, Regular Session, 1967, as amended (Article 8309c-1, Vernon's Texas Civil Statutes); Sections 1 through 18, and 20 through 22, Chapter 502, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6674s, Vernon's Texas Civil Statutes); and Section 135.58, Texas Education Code; providing for an effective date; providing a saving clause; and declaring an emergency.

To Committee on Human Resources.

By Senator Clower:

S.B. 457, A bill to be entitled An Act appropriating funds to Mexia State School and Rusk State Hospital under the Department of Mental Health and Mental Retardation; and declaring an emergency.

To Committee on Finance.

By Senator Moore:

S.B. 458, A bill to be entitled An Act relating to title insurance companies insuring titles to personal property; amending quoted Articles 9.02 (a) and (c), 9.03, 9.08, and 9.19 of Section 1, Chapter 219, Acts of the 60th Legislature, 1967, as amended; and declaring an emergency.

To Committee on Economic Development.

By Senator Moore:

S.B. 459, A bill to be entitled An Act to clarify an existing provision in Article I of the Texas Liquor Control Act, as amended (Article 666-1 through 667-57, Vernon's Texas Penal Code) by amending Paragraph 9, Subsection A, Section 15-1/2, Article I, Texas Liquor Control Act (Article 666-15-1/2 A (9), Vernon's Texas Penal Code), as heretofore amended, to remove any possible doubt as to the meaning of certain terminology used in a prior amendment to Subparagraph (b) thereof by specifying the classes of persons who may qualify for Nonresident Seller's Permit authorizing sales to holders of Wholesaler's Permits and making that applicability definite; reenacting Subparagraph (a) of said Paragraph 9; providing for severability; repealing all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency.

To Committee on State Affairs.

By Senator Aikin:

S.B. 460, A bill to be entitled An Act relating to certain legal services benefits offered by certain organizations to members or beneficiaries; and declaring an emergency.

To Committee on Jurisprudence.

By Senator Sherman:

S.J.R. 19, Proposing an amendment to Article III, Section 24, of the Texas Constitution, to provide for the creation and administration of a nonpartisan commission to prescribe and regulate legislative salaries, expenses, and allowances; and making a conforming amendment to Article IV, Section 17, of the Texas Constitution.

To Committee on State Affairs.

By Senator Gammage:

S.J.R. 20, Proposing an amendment to the Constitution of the State of Texas, as amended, revising Article V thereof to provide for a unified judicial system composed of a supreme court, a court of appeals, and circuit courts, and authorizing the legislature to prescribe jurisdiction thereof; creating a judicial council and providing for the appointment and tenure of its members and prescribing its duties; providing for nonpartisan election and the qualifications, tenure, and retirement of judges; providing for administration and financing of the judicial system and for a judicial qualifications commission; and providing transitional provisions.

To Committee on Jurisprudence.

By Senator Ogg:

S.C.R. 48, Creating interim committee to study feasibility of creating Big Thicket State Park in East Texas.

To Committee on Natural Resources.

By Senator Mauzy:

S.C.R. 49, Requesting Supreme Court of Texas to promulgate rules governing manner of submission of special issues relating to comparative negligence and other related matters contained in House Bill 88 at the earliest practicable time.

To Committee on Jurisprudence.

By Senator Adams:

S.C.R. 50, Memorializing Congress to consider measures necessary to prohibit charging fees for use of boat ramps or lakes constructed with federal funds.

To Committee on Intergovernmental Relations.

HOUSE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions received from the House, were read the first time and referred to the Committee indicated:

H.B. 135, To Committee on Intergovernmental Relations.

H.B. 325, To Committee on Education.

H.B. 162, To Committee on Intergovernmental Relations.

H.C.R. 28, To Committee on Administration.

H.C.R. 30, To Committee on Administration.

H.C.R. 11, To Committee on Administration.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S.C.R. 10
S.C.R. 17
S.C.R. 32
S.B. 133
H.B. 457

SENATE BILL 447 RE-REFERRED

On motion of Senator Hightower and by unanimous consent, S.B. 447 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Human Resources.

SENATE BILL 448 RE-REFERRED

On motion of Senator Hightower and by unanimous consent, S.B. 448 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Human Resources.

SENATE BILL 449 RE-REFERRED

On motion of Senator Hightower and by unanimous consent, S.B. 449 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Human Resources.

SENATE BILL 450 RE-REFERRED

On motion of Senator Hightower and by unanimous consent, S.B. 450 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Human Resources.

SENATE BILL 451 RE-REFERRED

On motion of Senator Hightower and by unanimous consent, S.B. 451 was withdrawn from the Committee on State Affairs and re-referred to the Committee on Human Resources.

PRESENTATION OF GUESTS

On motion of Senator Hightower and by unanimous consent, he was granted permission to escort several distinguished guests to the President's Rostrum.

Senator Hightower presented Mark Roberts of Big Spring, 1973 Easter Seal Child; Roger Staubach, Chairman of the 1973 Easter Seal campaign; and Mrs. Natalie Roberts, mother of Mark Roberts as guests of the Senate.

Senator Hightower then introduced Roger Staubach who addressed the Senate concerning the Easter Seal campaign and expressed appreciation for the support of the people of Texas.

SENATE BILL 123 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment S.B. 123. (The bill having been read second time and set as Special Order on Thursday, March 1, 1973.)

Question, Shall S.B. 123 be passed to engrossment?

Senator Adams raised the Point of Order that S.B. 123 was not properly before the Senate as under the provisions of S.R. 115, four Members objected to consideration of the bill and two Members were not on the floor of the Senate at the time the motion was made to suspend the rules to consider S.B. 123.

The President overruled the Point of Order, stating "Pursuant to Senate Resolution 115 the Chair rules that Senate Bill 123 was legally laid before the Senate, since there were only 4 members who objected to its consideration. The last roll call indicated that there were no members absent on the day the bill was brought up.

"Therefore, in the judgement of the Chair, there were no more than 6 members either absent or objecting to such consideration."

Senator Creighton offered the following amendment to the bill:

Amend S.B. 123 by striking all below the enacting clause.

The amendment was read.

Question, Shall the amendment by Senator Creighton to S.B. 123 be adopted?

MOTION TO ADJOURN

Senator McKnight moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion was lost by the following vote: Yeas 14, Nays 16.

Yeas: Adams, Aikin, Andujar, Blanchard, Creighton, Harris, Hightower, Jones, McKinnon, McKnight, Moore, Patman, Snelson and Traeger.

Nays: Braecklein, Brooks, Clower, Gammage, Harrington, Herring, Kothmann, Longoria, Mauzy, Meier, Mengden, Ogg, Santiesteban, Schwartz, Wallace and Wolff.

Absent-excused: Sherman.

SENATE BILL 123 ON SECOND READING

The Senate resumed consideration of the pending business, same being S.B. 123 on its second reading and passage to engrossment with an amendment by Senator Creighton pending.

Question, Shall the amendment by Senator Creighton to S.B. 123 be adopted?

MEMORIAL RESOLUTIONS

S.R. 227 - By Senator Adams: Memorial resolution for M.D. "Snow" Erwin.

S.R. 230 - By Senator Aikin: Memorial resolution for Mrs. H. O. Bowen.

S.R. 237 - By Senator Schwartz: Memorial resolution for Jody Ramsey.

S.R. 238 - By Senator Snelson: Memorial resolution for Jesse Pearl Rankin.

S.R. 239 - By Senator Snelson: Memorial resolution for Alexander "Alex" Knopp.

S.R. 240 - By Senator Snelson: Memorial resolution for Warren A. Specht.

S.R. 241 - By Senator Snelson: Memorial resolution for Mrs. Floyd (Ruby) Sturman.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 228 - By Senator Adams: Extending congratulations to Ray Vandergriff.

S.R. 229 - By Senator Adams: Extending congratulations to Sharon Kaye Barrow.

S.R. 231 - By Senator Moore: Extending congratulations to A. E. (Pete) Jones.

S.R. 232 - By Senator Aikin: Extending welcome to Mr. and Mrs. Morris Starkey.

S.R. 233 - By Senator Aikin: Extending welcome to Mrs. Ethelyn Abshire, et al.

S.R. 234 - By Senator Harris: Extending welcome to University Park Girl Scout Troop.

ADJOURNMENT

Senator Moore moved that the Senate stand adjourned until 10:30 o'clock a.m. tomorrow.

Senator Mauzy raised the Point of Order that a motion to adjourn was not in order as no business had been transacted by the Senate since the previous motion to adjourn.

The President overruled the Point of Order, stating that a motion to adjourn is a privileged motion.

Question on the motion to adjourn, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote: Yeas 15, Nays 13.

Yeas: Adams, Aikin, Andujar, Blanchard, Braecklein, Creighton, Harris, Herring, Jones, McKinnon, McKnight, Moore, Patman, Snelson and Traeger.

Nays: Brooks, Clower, Gammage, Harrington, Kothmann, Longoria, Mauzy, Meier, Ogg, Santiesteban, Schwartz, Wallace and Wolff.

Absent: Hightower and Mengden.

Absent-excused: Sherman.

Accordingly, the Senate at 12:22 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor

March 5, 1973

S.C.R. 10

S.C.R. 17

S.C.R. 32

S.B. 133

THIRTY-FIRST DAY

(Tuesday, March 6, 1973)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Adams, Aikin, Andujar, Blanchard, Braecklein, Brooks, Creighton, Gammage, Harrington, Harris, Herring, Hightower, Jones, Kothmann, Longoria, Mauzy, McKinnon, McKnight, Meier, Mengden, Moore, Ogg, Patman, Santiesteban, Schwartz, Sherman, Snelson, Traeger, Wallace and Wolff.

Absent-excused: Clower.

A quorum was announced present.

The Reverend Dr. Joe Trull of Crestview Baptist Church, Austin, Texas, offered the invocation as follows:

Here we are again Lord, Facing another day . . .

A day of pressures and problems . . .

A day of difficult decisions . . .

A day of potential and possibility . . .

Smile upon us this day . . .

Help us not to forget that You are just as concerned as we are for the welfare of this state and its citizens.

Give to each person present in these chambers the strength of mind, heart, and soul he needs for this day. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Clower was granted leave of absence for today on account of important business on motion of Senator Herring.